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EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2153	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/475,147	ALONI ET AL.	
	Examiner	Art Unit	
	Yasin M Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) *30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29 and 31-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Response to Amendment

1. The Amendment filed 07/28/03 has been entered and made of record.

2. The amendment filed on 07/28/03 has been fully considered but are moot in view of the new ground(s) of rejection.

3. New claims 38-44 are added.

4. Claims 1-29 and 31-44 are presented for examination and pending in the application.

In response to applicant's argument on page 7, paragraph 1 that ``Skladman fails to disclose or suggest `said notification is not in direct communication with said event generating system'''. Examiner disagree, Skladman teaches that e-mail notice could be sent directly to the notification serve 26 using an Internet protocol (IP)(col. 5. lines 10-20) over a conventional network. This could mean that the two servers could be in the same subnet at the same location or could be in different subnets located different parts of the world communicating over a conventional network such as the Internet. Specifically Skladman teaches that the servers 18 and 26 are conventional servers communicating with client using standard computer network, such as Ethernet local area network (LAN) or the Internet (col. 4, lines 7-19).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6-29 and 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Skladman et al US (6,400,810).

As per claim 1, Skladman et al disclose a system for notifying a subscriber upon an occurrence of an event, the system comprising:

an event-generating system for generating the event [Fig. 1. 12, see Col. 2, lines 22-65];

a notification request sender (Fig. 1, 18) for detecting the occurrence of the event (col. 1, lines 28-32) and for preparing a notification request according to an open network protocol [note: e-mail notice can be sent to the notification server using an internet protocol (IP), in response the notification server transfers the notices over preselected channels using standard protocols Col. 5, lines 5-67]; and

a notification server [Fig. 1, 26] for receiving said notification request from said notification request sender according to said open network protocol, and for notifying the subscriber of the occurrence of the event, wherein said notification server is not in direct communication with said event generating system [see Fig. 1 and Col. 5, lines 5-67 and col. 6, lines 38-43].

As per claim 2, Skladman et al teach that the event is a messaging event, and said event-generating system is a messaging system [Col. 1, lines 28-32; Col. 2, lines 22-34].

As per claim 3, Skladman et al teach the system of claim 2, wherein said messaging system is selected from the group consisting of e-mail and voice mail [Col. 1, lines 29-51 and Col. 2, lines 22-34].

As per claim 4, Skladman et al teach the system of claim 2, wherein said messaging system further comprises an API (application programming interface) for providing an interface for detecting the event by said notification request sender [Col. 5, lines 43-67 and Col. 6, lines 1-33].

As per claim 6, Skladman et al teach the system of claim 1, wherein said notification server further comprises:

an open network protocol server for receiving said notification request from said notification request sender [Col. 5, lines 5-67]; and

a notification messaging server for receiving said notification request from said open network protocol server and for notifying the subscriber of the event according to said notification request [Col. 5, lines 5-67].

As per claim 12, Skladman et al teach the system of claim 1, further comprising a network for connecting said notification request sender to said notification server [Fig. 1].

As per claim 13, Skladman et al teach the system of claim 12, wherein said network is the Internet [Col. 4, lines 12-19].

As per claim 14, Skladman et al teach the system of claim 13, wherein said event-generating system is an internal messaging system for generating a message event, said internal messaging

system notifying said notification server of said message event directly [Fig. 1. Col. 3, lines 14-61].

As per claim 15, Skladman et al teach the system of claim 13, wherein said event-generating system further comprises:

an internal messaging system for generating a message event [Fig. 1. Col. 3, lines 14-61]; and

a notification request sender for sending said notification request to said notification server [Fig. 1 and Col. 2, lines 43-67 and Col. 3, lines 1-61].

As per claim 16, Skladman et al teach a method for notifying a subscriber upon an occurrence of an event in an event-generating system, the method comprising:

(a) providing a notification server, wherein said notification server is not in direct communication with said event-generating system [Fig. 1, 26 and col. 4, lines 7-19];

(b) detecting the occurrence of the event at the event-generating system [col. 1, lines 28-32; Col. 5, lines 5-67];

(c) preparing a notification request according to an open network protocol [note: e-mail notice can be sent to the notification server using an internet protocol (IP), in response the notification server transfers the notices over preselected channels using standard protocols Col. 5, lines 5-67].

(d) transmitting said notification request to said notification server according to said open network protocol [Col. 3, lines 34-47 and col. 4, lines 7-19]; and

(e) notifying the subscriber of the occurrence of the event according to said notification request [Col. 5, lines 5-64].

As per claim 17, Skladman et al teach the method of claim 16, wherein said open network protocol is HTTP, and (c) further comprises preparing at least one HTTP key value pair for forming the notification message [Col. 5, lines 5-67 also see rejection made on claims 7-9 above].

As per claim 18, Skladman et al teach the method of claim 17, wherein said notification server is in communication with at least one associated messaging service for the subscriber, such that (e) is performed by contacting the subscriber through said associated messaging service [Col. 6, lines 1-43].

As per claim 19, Skladman et al teach the method of claim 18, wherein (e) further comprises selecting a communication mode for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

As per claims 20 and 28, Skladman et al teach selecting a time for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

As per claims 21 and 29, Skladman et al teach where said communication mode and said time are determined according to the preference of the subscriber [Col. 6, lines 1-7].

As per claim 22, Skladman et al teach the method of claim 16, further comprising:
(f) sending a first "ack" (acknowledgment) message by said notification server upon receipt of said notification request [TCP/IP (Transmission Control protocol /Internet protocol) as a standard Internet reliable protocol for the transfer of data between two computers uses delivery acknowledgment message from the network destination node to the source node for providing reliable network node-to-node delivery at the transport network protocol level Col. 5, lines 5-67 and Col. 6, lines 1-43].

As per claim 23, Skladman et al teach the method of claim 22, further comprising:
(g) sending a second "ack" message by said notification server upon notification of the subscriber [Col. 5, lines 5-67 and Col. 6, lines 1-43].

As per claim 24, Skladman et al teach the method of claim 23, wherein step (a) further comprises providing a notification request sender for detecting the occurrence of the event and for sending said notification request, wherein said notification request sender cannot send an additional notification request

until at least said first "Ack" message is received [Col. 5, lines 5-67 and Col. 6, lines 1-43].

As per claim 25, Skladman et al teach the method of claim 23, wherein said notification request features an identification tag, such that said notification request sender asynchronously sends an additional notification request without waiting for said first "Ack" message, such that said first "Ack" message includes said identification tag for identifying said notification request associated with said first "Ack" message [Col. 5, lines 5-67 and Col. 6, lines 1-43].

As per claim 26, Skladman et al teach a method for sending a message to a subscriber by a requesting user, the method comprising:

(a) providing a notification server [Fig. 1, 26];

(b) requesting a notification of the subscriber by the requesting user (Fig. 6), wherein a notification mechanism for notifying the subscriber is determined independently of the manner in which the request user provides notification request message [Col. 5, lines 19-67 and Col. 6, lines 1-7];

(c) sending said notification request message directly to said notification server [Col. 3, lines 34-47 and col. 5, lines 10-25];

(d) selecting said notification mechanism for notifying the subscriber by said notification server [Col. 5, lines 43-67 and Col. 6, lines 1-37]; and

(e) sending said notification to the subscriber through said notification mechanism by said notification server [Col. 5, lines 19-67 and Col. 6, lines 1-37].

As per claim 27, Skladman et al teach the method of claim 26, wherein (d) further comprises the step of selecting a communication mode for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

As per claim 31, Skladman et al teach the method of claim 26, wherein the selection of the notification mechanism is based on a preference of the subscriber [Col. 2, lines 22-53; Col. 4, lines 1-34; Col. 6, lines 1-37].

As per claim 32, Skladman et al teach the method of claim 26, wherein the selection of the notification mechanism is based capability of a receiving device associated with the subscriber [Col. 2, lines 22-53; Col. 4, lines 1-34; Col. 6, lines 1-37].

As per claim 33, Skladman et al teach the method of claim 1, wherein the notification server selects a notification mechanism for notifying the subscriber based on at least one of a preference of the subscriber and the capability of a receiving

device associated with the subscriber [Col. 3, lines 24-67 and Col. 4, lines 1-34; Col. 5, lines 20-67 to col. Col. 6, lines 1-37].

As per claims 34, Skladman et al teach selecting a time for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

As per claims 35, Skladman et al teach wherein the notification server determines whether to notify the subscriber of the occurrence of the event [Col. 5, lines 20-64].

As per claims 36, Skladman et al teach wherein the notification server forms a notification message for notifying the subscriber based on the type of event [Col. 3, lines 24-67 and Col. 4, lines 1-34; Col. 5, lines 20-67 to col. Col. 6, lines 1-37]

As per claims 37, Skladman et al teach wherein the notification server forms a notification message for notifying the subscriber based on at least one of a preference of the subscriber and the capability of a receiving device associated with the subscriber [Col. 3, lines 24-67 and Col. 4, lines 1-34; Col. 5, lines 20-67 to col. Col. 6, lines 1-37].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the inve ntion was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman et al US (6,400,810) in view of Shaffer et al US (6,094,681).

As per claim 5, Skladman et al teaches all the limitations in claim 1 as explained above. Skladman et al does not teach a system where the event is a non-messaging event, and where the event-generating system is a non-messaging system. However, Shaffer et al teach a system where the event is a non-messaging event such as a stock price update event notification, and where the event generating system is a non-messaging system such as a Web Server that sends stock price updates to subscribers [Col.2, lines 38-59]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the event notification system of Shaffer et al with that of

Skladman et al to have the flexibility of providing subscribers different event notifications of their choice.

6. Claim 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman et al US (6,400,810).

As per claims 7, 8 and 9 Skladman et al teach substantially about sending e-mail notice to a notification server using IP (internet protocol) and in response to email notices transferring the notices over preselected ones of a communication channels using standard protocol (open network protocol) [Col. 5, lines 5-67 and col.6, lines 38-43]. Skladman et is silent about using File Transfer protocol (FTP), HTTP (Hyper-text Transfer Protocol) and SMTP (Simple Mail Transfer Protocol) in his system, Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an open network protocol such as FTP (File Transfer Protocol), HTTP (Hyper-text Transfer Protocol) and SMTP (Simple Mail Transfer Protocol) to have the advantage of using a readily available standard protocols which are application and platform-independent.

As per claim 10, Skladman et al teach the system of claim 9, wherein said notification request sender further comprises:

a notification event detector for detecting the event [col. 1, lines 28-32; Col. 5, lines 5-67]; and

a notification protocol adapter for preparing and transmitting said notification request [Col. 5, lines 5-67 and Col. 6, lines 1-37].

As per claim 11, Skladman et al teach the system of claim 10, wherein said notification server further comprises a notification server protocol adapter for receiving said notification request and for determining validity of said notification request, such that if said notification request is valid, said notification server protocol adapter passes information from said notification request to said notification messaging server [Col. 5, lines 5-67 and Col. 6, lines 1-37].

7. Claim 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman et al US (6,400,810).

As per claims 38 and 42, Skladman et al teach the invention as explained in claims 1 and 26 above. Specifically, Skladman et al teach an event generating system for generating events and event notification request sender for detecting the occurrence of event and for preparing a notification request according to an open network protocol as explained in claims 1 and 26 above. Further, Skladman et al teach that the notification system can include software program and servers (not shown) permitting the integration of voice mail, fax, e-mail and other messaging system into the system 10 (col. 4, lines 20-23). Skladman et al is

silent about teaching a detailed plurality of his system such as,

a second and third event-generating system for generating second event; and

a second and third notification request sender for detecting the occurrence of the second and third event and for preparing a notification request according to a second and third open network protocol. However, giving the teaching of Skladman et al, it would have obvious to one of ordinary skill in the art at the time of the invention to modify Skladman et al by having a plurality of his system for the advantage of supporting variety of messaging systems including legacy messaging systems and to accommodate large number of subscribers efficiently.

As per claim 39, Skladman et al teach the system of claim 38, wherein said first open network protocol and said second open network protocol are the same open network protocol [internet protocol (IP), col. 5. lines 10-20, see also the rejection on claims 7-9 above].

As per claim 40, Skladman et al teach the system of claim 38, wherein at least one of said first event and said second event is a messaging event [Col. 1, lines 28-32; Col. 2, lines 22-34]

As per claim 41, Skladman et al teach the system of claim 38, wherein at least one of said first event and said second event is a non-messaging event [see the rejection made on claim 5 above].

8. Claim 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman et al US (6,400,810) in view of by Nielsen USPN. (5813007).

as per claim 43 and 44, although Skladman et al shows substantial features of the claimed invention, he does not explicitly show wherein the notification request message is input by the requesting user via a web page. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Skladman et al, as evidenced by Nielsen USPN. (5813007).

In analogous art, Nielsen whose invention is about a web page update notification system to requesting subscribers, discloses notification request message inputted by a requesting user via a web page as illustrated by the dialog box of FIG. 6 providing the user with the option of requesting notification subscriptions of a Web Page and FIGS. 9A & 9B illustrating the process used to notify subscribers of a sufficient modification to a Web Page [col. 5, lines 40-52]. Giving the teaching of Nielsen, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Skladman et al by employing the system of Nielsen for efficiently

supporting a standard messaging protocol such as Hypertext Transfer Protocol (HTTP) that is capable of transferring information on the Web.

As per claims 44, Nielsen teaches the method of claim 43, wherein said web page is provided by the notification server [col. 12, lines 7-52].

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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